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PATENT  
**MAIL STOP AF**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Yusuke Kohyama

Serial No.: 09/892,713

Filed: June 28, 2001

For: Electric Fuse Whose Dielectric  
Breakdown Resistance Is  
Controlled By Injecting Impurities  
Into An Insulating Film Of A  
Capacitor Structure, And A Method  
For Manufacturing The Same

Group Art Unit: 2823

Examiner: L. Pham

Atty. Dkt. No. 01701.00090

This paper of 2 pages is being faxed to 703 872  
9319 on September 3, 2003.  
*Christopher R. Glembocki*  
Christopher R. Glembocki  
Reg. No. 38.800

**Request to Withdraw Finality of Office Action**

Commissioner for Patents  
P.O. Box 1450  
**MAIL STOP AF**  
Alexandria, VA 22313-1450

Sir:

The Final Office Action of August 18, 2003, has been carefully reviewed. For the following reasons, Applicant requests the Examiner to withdraw the finality of the office action as it was improperly made final.

On December 6, 2002, Applicant responded to the Office Action of September 6, 2002,



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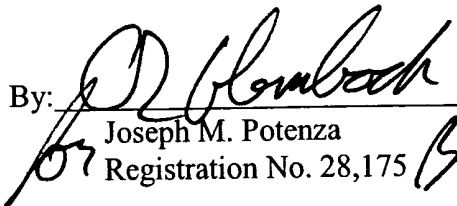
On December 6, 2002, Applicant responded to the Office Action of September 6, 2002, by canceling rejected claims 1, 2, and 5 and rewrote objected to claims 3 and 4 in independent form. The August 18, 2003, Office Action now rejects claim 3 and dependent claim 19 over a new grounds of rejection. While the Examiner indicates that the Final Office Action was necessitated by Applicant's amendment, this is incorrect. The new rejection of claim 3 was not necessitated by Applicant as Applicant had only placed objected to claim 3 in independent form.

See MPEP 706.07(c), 706.07(d), and 706.07(e).

Applicant specifically requests the Office Action be reissued as a non-final office action or the Examiner fax a notice to this effect (that the finality has been withdrawn) to the undersigned. If the Examiner has any questions, the Examiner is invited to contact the undersigned to further prosecution.

Respectfully submitted,

By:

  
Joseph M. Potenza  
Registration No. 28,175 *SH 38800*

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Dated: September 3, 2003